

DENTAL BOARD[650]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby gives Notice of Intended Action to amend Chapter 35, “Iowa Practitioner Review Committee,” Iowa Administrative Code.

These proposed amendments remove term limits for membership on the Iowa Practitioner Review Committee; provide for terms which begin on May 1 and end on April 30; require an annual election of a chairperson and vice chairperson whose terms begin on May 1; and clarify that participation in the program occurs through either a practitioner’s self-reporting or a referral from the Dental Board. The proposed amendments bring the Committee’s practices in line with other committees of the Dental Board.

Written comments about the proposed amendments will be accepted through January 8, 2013. Comments should be directed to Melanie Johnson, Executive Director, Iowa Dental Board, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687; or by e-mail to Melanie.Johnson@iowa.gov.

A public hearing will be held on January 8, 2013, at 11 a.m. at the office of the Iowa Dental Board located at 400 SW 8th Street, Suite D, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Board office and indicate what specific assistance is needed.

These proposed amendments were approved at the October 25, 2012, meeting of the Dental Board.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 153.33.

The following amendments are proposed.

ITEM 1. Amend subrule 35.1(3) as follows:

35.1(3) *Composition of the committee.* The chairperson of the board shall appoint the members of the IPRC. Committee members, except the executive director, shall be appointed for three-year terms, ~~for a maximum of three terms which begin on May 1 and terminate on April 30.~~ The committee shall elect a chairperson and vice chairperson annually at the last meeting of each calendar year to begin serving a one-year term on January 1 closest to April 30. The chairperson and vice chairperson will serve one-year terms beginning on May 1. The membership of the IPRC may include, but is not limited to:

- a. Executive director of the board or the director’s designee from the board’s staff;
- b. One practitioner who has remained free of addiction for a period of no less than two years following successful completion of a board-approved recovery program, a board-ordered probation for drug or alcohol dependency, addiction, or abuse, or an IPRC contract;
- c. One physician/counselor with expertise in substance abuse/addiction treatment programs;
- d. One psychiatrist or one psychologist; and
- e. One public member.

ITEM 2. Amend subrule 35.1(4) as follows:

35.1(4) *Eligibility.* To be eligible for participation in the IPP, a practitioner must self-report an impairment or suspected impairment directly to the office of the board or be referred by the board pursuant to rule 650—35.2(272C). A practitioner is deemed ineligible to participate in the program if the license committee or IPRC finds sufficient evidence of any of the following:

- a.* The practitioner is engaged in the unlawful diversion or distribution of controlled substances or illegal substances to a third person or for personal profit or gain;
- b.* At the time of the self-report, the practitioner is already under board order for an impairment or any other violation of the laws and rules governing the practice of the profession;
- c.* The practitioner has caused harm or injury to a patient;
- d.* There is currently a board investigation of the practitioner that concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care;
- e.* The practitioner has been subject to a civil administrative or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of dentistry, dental hygiene, or dental assisting;
- f.* The practitioner provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the board or committee; or
- g.* There is currently a complaint before the board related to an impairment.